

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JEROME D. JOHNSON	§	PLAINTIFF
	§	
v.	§	CIVIL ACTION NO. 1:07cv539-LG-JMR
	§	
DONALD A. CABANA, Warden, et al.	§	DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause comes before the Court on the Report and Recommendation [71] of Chief United States Magistrate Judge John M. Roper, Sr., entered in this cause on September 24, 2008, recommending that the Court grant Defendants' Motions for Summary Judgment [52, 60] and deny Plaintiff Jerome D. Johnson's [59] Motion for Summary Judgment. Johnson has not filed objections to the Magistrate Judge's recommendations. The Court finds that the Magistrate Judge properly recommended that summary judgment be granted in favor of Defendants. After referral of hearing by this Court, no objections having been filed as to the Report and Recommendation, and the Court, having fully reviewed the same, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [71] of Chief United States Magistrate Judge John M. Roper, Sr., entered on September 24, 2008, be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant Rick Gaston's [52] Motion for Summary Judgment is **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's [59] Motion for

Summary Judgment is **DENIED**.

IT IS FURTHER ORDERED AND ADJUDGED that the remaining Defendants' [60]
Motion for Summary Judgment is **GRANTED**. This cause is **DISMISSED**. A separate
judgment will be entered herein in accordance with this Order as required by FED. R. CIV. P. 58.

SO ORDERED AND ADJUDGED this the 27th day of October, 2008.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE